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9	UNITED STATES DISTRICT COURT	
10	CENTRAL DISTRICT OF CALIFORNIA	
11	CENTRAL DISTRICT OF CALIFORNIA	
12	INGRID HERTFELDER, an individual,	Case No.:
13	Plaintiff,	PLAINTIFF'S COMPLAINT FOR
14	V.	COPYRIGHT INFRINGEMENT
15		Jury Trial Demanded
16 17	JONATHAN BATISTE, an individual; and DOES 1 through 10,	
18	Defendants.	
19		
20	INGRID HERTFELDER, by and through her undersigned attorneys, hereby	
21	prays to this honorable Court for relief based on the following:	
22	JURISDICTION AND VENUE	
23	1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101	
24	et seq.	
25	2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and	
26	1338 (a) and (b).	
27		
28	1 COMPLAINT	

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

- 4. Plaintiff INGRID HERTFELDER ("HERTFELDER") is an individual residing in New York.
- 5. Plaintiff is informed and believes and thereon alleges that Defendant JONATHAN BATISTE ("BATISTE") is an individual residing in the state of New York.
- 6. Plaintiff is informed and believes and thereon alleges that Defendants DOES 1 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, who therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.
- 7. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and/or adopted each of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO USE OF PHOTOGRAPHIC IMAGES

- 8. Plaintiff HERTFELDER owns multiple original photographs ("Subject Works") that have been registered or applied to be registered with the United States Copyright Office. Exemplars of the Subject Works are attached as Exhibit 1 of this Complaint.
- 9. Plaintiff is informed and believes and thereon alleges that following HERTFELDER's creation of the Subject Works, BATISTE, DOE Defendants, and each of them distributed and/or sold products that are substantially similar to the Subject Works (hereinafter "Subject Product") without Plaintiff HERTFELDER's authorization and used the photographs for commercial purposes in various ways, including, but not limited to, use on merchandise such as T-shirts and CD's, promotional materials for concerts and tours, and advertising on websites. Exemplars of Subject Products are attached as Exhibit 2 of this Complaint.
- 10. An image of one of the Subject Works and an exemplar of a Subject Product are set forth hereinbelow:

Subject Work



Subject Product



COMPLAINT

FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

- 11. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.
- 12. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Works, as they were directly provided copies of the same by Plaintiff.
- 13. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyrights by creating, making and/or developing directly infringing and/or derivative works from the Subject Works and by producing, distributing and/or selling Subject Product both online and at various concert venues throughout the country.
- 14. Due to Defendants', and each of their, acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.
- 15. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained profits they would not otherwise have realized but for their infringement of the Subject Works. As such, Plaintiff is entitled to disgorgement of Defendants', and each of their, profits attributable to the infringement of Subject Works in an amount to be established at trial.
- 16. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious.

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PRAYER FOR RELIEF 1 Wherefore, Plaintiff prays for judgment as follows: 2 a. That Defendants—each of them—and their respective agents and 3 servants be enjoined from importing, manufacturing, distributing, 4 offering for sale, selling or otherwise trafficking in any product that 5 infringes Plaintiff's copyrights in the Subject Work; 6 b. That Plaintiff be awarded all profits of Defendants, and each of them, 7 plus all losses of Plaintiff, the exact sum to be proven at the time of trial; 8 c. That Plaintiff be awarded pre-judgment interest as allowed by law; 9 d. That Plaintiff be awarded the costs of this action; and 10 That Plaintiff be awarded such further legal and equitable relief as the 11 Court deems proper. 12 13 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 14 38 and the 7th Amendment to the United States Constitution. 15 16 Dated: July 1, 2015 DONIGER/BURROUGHS 17 By: /s/ Stephen M. Doniger 18 Stephen M. Doniger, Esq. Frank Gregory Casella, Esq. 19 Attorneys for Plaintiff 20 21 22 23 24 25 26 27 28 COMPLAINT